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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 68/183 of 18 December 2013 and Council resolution 25/25 of 28 March 2014,[1] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Deeply concerned at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People's Republic of Korea,

[1] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. II.

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Welcoming the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[2] and expressing grave concern at the detailed findings contained therein,

Noting the transmission of the report of the commission of inquiry to the Security Council on 14 April 2014,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 68/183,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[3] the Convention on the Rights of the Child[4] and the Convention on the Elimination of All Forms of Discrimination against Women,[5] and recalling the concluding observations of the treaty bodies under the four treaties,

Noting with appreciation the signature of the Convention on the Rights of Persons with Disabilities[6] and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography[7] by the Democratic People's Republic of Korea, encouraging the Government to take speedy steps to ratify the Convention and the Optional Protocol, and urging the Government to fully respect the rights of persons with disabilities and children,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the Government's acceptance of 113 out of the 268 recommendations contained in the outcome of the review[8] and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, and emphasizing the importance of the implementation of the recommendations in order to address the grave human rights violations in the country,

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

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[2] A/HRC/25/63.
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 2515, No. 44910.
[7] Ibid., vol. 2171, No. 27531.
[8] A/HRC/27/10.

Noting the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting also the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of humanitarian programmes, noting further the letter of understanding signed by the Government of the Democratic People's Republic of Korea and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators in the areas of humanitarian and food assistance,

Noting further the importance of the issue of international abductions and of the immediate return of all abductees, taking note of the outcome of the government-level consultation between the Democratic People's Republic of Korea and Japan in May 20014, and expecting concrete and positive results from the investigations being conducted by the Democratic People's Republic of Korea on all Japanese nationals, including victims of abduction,

Noting the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

Welcoming the resumption of the reunions of separated families across the border in February 2014, and, given that this is an urgent humanitarian concern of the entire Korean people, hoping that necessary arrangements for further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

1. *Condemns* the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea, including those which the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013,[9] has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report, such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of

[9] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions and where alarming violations of human rights are perpetrated, and in this regard strongly urges the Democratic People's Republic of Korea to immediately end this practice and to release all political prisoners unconditionally and without any delay;

(iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[10] and the 1967 Protocol thereto[11] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution, torture and imprisonment of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities and the elderly;

(vii) Violations of the human rights and fundamental freedoms of women, in particular the creation of internal conditions that force women to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women to forced abortions, gender-based discrimination,

[10] United Nations, *Treaty Series*, vol. 189, No. 2545.

[11] Ibid., vol. 606, No. 8791.

including in the political and social spheres, and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially in the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[3] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[4]

(xi) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to the Special Rapporteur;

(c) The continued lack of acknowledgement by the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to implement the recommendations contained in the outcome of its first universal periodic review;[12]

(d) The failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity;

3. *Underscores its very serious concern* at the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and

[12] A/HRC/13/13.

access to food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of chronic malnutrition, particularly among the most vulnerable groups, pregnant women, children, persons with disabilities and the elderly, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

5. *Commends* the Special Rapporteur for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the denial of access;

6. *Also commends* the work of the commission of inquiry and recognizes the importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country;

7. *Acknowledges* the commission's finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades;

8. *Decides* to submit the report of the commission of inquiry to the Security Council, and encourages the Council to consider the relevant conclusions and recommendations of the commission and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has said may constitute crimes against humanity;

9. *Welcomes* the steps taken by the Office of the United Nations High Commissioner for Human Rights towards establishing a field-based structure in the Republic of Korea to strengthen the monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to provide the Special Rapporteur with increased support, to enhance the engagement and capacity-building of the Governments of all States concerned, civil society and other stakeholders and to maintain the visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives;

10. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims;

(d) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(e) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(f) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and his Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and to strive to implement the accepted recommendations stemming from the universal periodic review;

(g) To engage in cooperation with the International Labour Organization;

(h) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(i) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement more effective food security policies, including through sustainable agriculture, sound food production distribution measures and the allocation of more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(j) To further improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including accelerating progress towards the achievement of the Millennium Development Goals, in accordance with international monitoring and evaluation procedures;

(k) To consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies;

11. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry without delay;

12. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, the United Nations Secretariat, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

13. *Welcomes* the recent willingness expressed by the Democratic People's Republic of Korea to consider human rights dialogues with States, and calls upon the Democratic People's Republic of Korea to continue engaging constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through dialogues, official visits to the country and more people-to-people contact;

14. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventieth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry, in line with Human Rights Council resolution 25/25.[1]